



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/542,640	04/03/2000	Frank J. Koch	007325-077	4650

7590 05/23/2003

Ronald L Grudziecki
Burns Doane Swecker & Mathis LLP
PO Box 1404
Alexandria, VA 22313-1404

EXAMINER

VO, HIEN XUAN

ART UNIT	PAPER NUMBER
----------	--------------

2863

DATE MAILED: 05/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

18

Office Action Summary

Application No.

09/542,640

Applicant(s)

KOCH ET AL.

Examiner

Hien X. Vo

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 20 June 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 April 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 15.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Notice to Applicant(s)

1. Applicant's response filed on 09/20/2001 with respect to claims 1-45 have been considered but are moot in view of the new ground(s) of rejection.
2. The prior art or other documents submitted on 08/06/2001 in full conformance with 37 CFR 1.291(b) has been considered as indicated on the enclosed copies of Form PTO-1449.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 21 and 31 are rejected under 35 U.S.C. § **102 (b)** as being anticipated by "Elcometer 365 information sheet" as Exhibit "K" from Affidavit of Peter Baldwin (01/19/1998).

With respect to claims 1-2, 21 and 31, Peter Baldwin discloses a coating thickness data analyzer Elcometer 365

including obtaining a plurality of coating thickness values with a probe electrically connected to an electronic memory, recording in electronic memory the plurality a coating thickness values and recording in the electronic memory a plurality of descriptive data (see e.g. Elcometer 365 information sheet" as Exhibit "K" from Affidavit of Peter Baldwin).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 3-10, 16, 22-23, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over the "Elcometer 365 information sheet" as Exhibit "K" from Affidavit of Peter Baldwin.

With respect to claims 3-10, 16, 22-23, 26 Peter Baldwin discloses the invention as claimed except for teaching PCMCIA memory card, the descriptive text data, transforming text handwritten on a computer screen and displaying a plurality if

Serial No.: 09/542,640
Art Unit: 2863

4

indicia on a graph on a video display screen. However, interfacing equipment with conventional computer using PCMCIA cards was known at the time the application was filed. Text is just one of a number of convenient forms of presenting data and the most convenient form for human operator. Therefore, it would be obvious to those of ordinary skill in the art to consider well known PCMCIA memory card and a known way of interfacing equipment with conventional computer and The Elcometer 3xx series when used in conjunction with the EDCS system and the Dataputer system also enable coating thickness values to be stored in conjunction with descriptive data unit as well as enabling the data to be displayed graphically and text format.

7. Claims 11-14 are rejected under 35 U.S.C. § 103 as being unpatentable over Schlesinger (US No.4,079,237) further in view of Koch (US No. 5,293,132).

With respect to claims 11-12, Schlesinger discloses the invention as claimed except the probe comprises an LC oscillator. However, Koch discloses a coating thickness measurement gauge which includes an LC oscillator probe and counter for measures a frequency of LC oscillator (see fig. 3). Therefore, it would have been obvious to one ordinary skill in the art at the time of invention to substitute an LC oscillator probe in the Geiger tube probe in the thickness measuring instrument of Schlesinger because the gauge is able to measure the thickness coatings on

magnetic and non-magnetic substrates through use of the same probe assembly.

With respect to claims 13-14, Schlesinger discloses the invention as claimed except teaching the probe which comprises a permanent magnet, a Hall sensor, and eddy current search coil. However, Koch et al disclose a combination coating thickness gauge which includes a permanent magnet, eddy current search coil and Hall effect magnetic sensor (see fig.6). Therefore, it would have been obvious to one ordinary skill in the art at the time of invention was made to combine the teaching of Schlesinger with those of Koch et al. since Koch et al. teach a combination coating thickness gauge which may have been incorporated into any apparatus for measuring a coating thickness.

8. Claim 15 is rejected under 35 U.S.C. § 103 as being unpatentable over Schlesinger (US No. 4,079,237) further in view of Nix (US No. 5,467,014).

With respect to claim 15, Schlesinger discloses the invention as claimed except teaching the probe includes means for discriminating between a ferrous and a nonferrous substrate. However, this feature is old and well known in the art at the time of invention was made. For example, Nix suggest a device for measuring the thickness of a layer or coating on a ferrous and/or non-ferrous substrate (see at least abstract). Therefore, it would have been obvious to combine the teaching of Schlesinger

in the device of Nix for improved the cost and particular handling of this device.

9. Claims 17-20 are rejected under 35 U.S.C. § 103 as being unpatentable over Schlesinger (US No. 4,079,237) further in view of Rosenberg et al. (U.S. patent No. 6,429,846).

With respect to claims 17-20, Schlesinger disclose the invention as claimed except for teaching a touch-sensitive screen and pointed writing instrument for entering the descriptive data. However, Rosenberg et al. disclose a haptic feedback for touchpads and other touch controls including a touch-sensitive screen, pointed writing for entering the descriptive data to portable instrument (see e.g. col. 2, lines 20-40) and the portable unit comprises a GUI, microprocessor, memory and can connect to a computer via many ways such as USB, firewire, wireless or a standard serial bus (see e.g. col. 5, lines 32-40 and col. 6, lines 32-49). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a touchpads and other touch controls of Rosenberg et al. in the thickness system of Schlesinger provide a human interface with electronic and mechanical devices in a variety of application and the need for a more natural easy-to-use.

10. With respect to claims 23-30 and 32-45, the limitations of these claims have been noted in the rejection above. They are therefore consider rejected as set forth above.

Serial No.: 09/542,640
Art Unit: 2863

7

Conclusion

11. All claims are rejected.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Hien Vo, whose telephone number is (703)308-5253. The examiner can normally be reached on Monday-Friday from 9:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow, can be reached on (703)308-3126.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-7382 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Plaza 4, Arlington. VA.,


Serial No.: 09/542,640
Art Unit: 2863

8

Fourth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-0956.

HIEN VO
May 19, 2003


John Barlow
Supervisory Patent Examiner
Technology Center 2800